

REMARKS

In the Final Office Action dated June 2, 2005, claims 1-8, 10-16, 18-23 were rejected under 35 U.S.C. §102(e) or 35 U.S.C. §103(a) as allegedly being anticipated or unpatentable by U.S. Patent Application No. US 2004/0169767 A1 ("Norita et al."). In response, Applicant has rewritten the dependent claims 2 and 11 in independent form by amending the original independent claims 1 and 10, respectively, and canceling claims 2 and 11. Since these claim amendments present the claims in better form for consideration on appeal, Applicant respectfully requests that the amendments to claims 1 and 10 be entered in accordance with 37 C.F.R. §1.116(b). As explained below, the amended independent claims 1 and 10, as well as the original independent claim 18, are not anticipated by Norita et al. As such, Applicant respectfully requests the allowance of the pending claims 1, 3-8, 10, 12-16 and 18-23.

A. Patentability of Independent Claims 1, 10 and 18

The Office Action has rejected the independent claim 18 under 35 U.S.C. §102(e) as allegedly being anticipated by Norita et al. The independent claim 18 recites:

*"capturing a scene of interest as raw image data using an image sensor of the image-capturing device;
processing the raw image data using first settings of the image-capturing parameters to produce a first image of the scene of interest;
processing the raw image data using second settings of the image-capturing parameters to produce a second image of the scene of interest;
displaying the first and second images for user selection; and
adjusting current settings of the image-capturing parameters of the image-capturing device to conform with one of the first and second images selected by a user, the adjusted current settings of the image-capturing parameters being used by the image-capturing device to capture a subsequent image."*

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. With respect to claim 18, the Office Action states on page 8 that Norita et al. discloses “raw image data of a first image using a first setting of an image-capturing parameter (low exposure) and raw image data of a second image using a second setting of an image-capturing parameter (high exposure) is processed by the processor (11).” Apparently, this statement was made to assert that the claimed limitations of “*processing the raw image data using first settings of the image-capturing parameters to produce a first image of the scene of interest*” and “*processing the raw image data using second settings of the image-capturing parameters to produce a second image of the scene of interest*” are disclosed by Norita et al.

While Norita et al. may disclose processing “raw image data of a first image using a first setting of an image-capturing parameter (low exposure)” and “raw image data of a second image using a second setting of an image-capturing parameter (high exposure)”, Norita et al. does NOT disclose “*processing the raw image data using first settings of the image-capturing parameters to produce a first image of the scene of interest*” and “*processing the raw image data using second settings of the image-capturing parameters to produce a second image of the scene of interest*,” as recited in claim 18.

As correctly stated in the Office Action on page 9, Norita et al. does disclose capturing “a plurality of images at different exposure times by activating the image sensor (9) after a lapse of time (Ti) and replacing the previous image signal in a buffer memory (82) with the current image signal (page 6, paragraphs 115-118).” Thus, each captured image is derived from a different image signal or “*raw image data*”. However, Norita et al. does not disclose “*processing the raw image data... to produce a first image of the scene of interest*” and “*processing the (same) raw image data ... to produce a second image of the scene of interest*,” as recited in the independent claim 18. Therefore, the independent claim 18 cannot be anticipated by Norita et al. As such, Applicant respectfully requests that the independent claim 18 be allowed.

The Office Action has also rejected the independent claims 1 and 10 under 35 U.S.C. §102(e) as allegedly being anticipated by Norita et al. As amended, the independent claim 1 recites in part, *“capturing a first image and a second image using different settings of the image-capturing parameters including: processing raw image data of a captured scene of interest using a first setting of a selected image-capturing parameter to capture the first image; and processing the raw image data using a second setting of the selected image-capturing parameter to capture the second image.”* As amended, the independent claim 10 recites in part, *“the parameter adjuster being configured to direct a processor to process raw image data of a captured scene of interest using one setting of a selected image-capturing parameter to capture the first captured image, the parameter adjuster being further configured to direct the processor to process the raw image data using another setting of the selected image-capturing parameter to capture the second captured image.”* Thus, the amended independent claims 1 and 10 recite limitations that are similar to those of the independent claim 18. Therefore, the above remarks with respect to the independent claim 18 are also applicable to the amended independent claims 1 and 10. As such, Applicant respectfully asserts that the independent claims 1 and 10 are also not anticipated by Norita et al., and thus, should be allowed.

B. Patentability of Dependent Claims 3-8, 12-16 and 19-23

Each of the dependent claims 3-8, 12-16 and 19-23 depends on one of the independent claims 1, 10 and 18. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicant respectfully requests reconsideration of the claims in view of the claim amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,
Dwight Poplin

Date: July 27, 2005

By: Thomas H. Ham
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300